APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,462	07/20/2001	Karim Maskatiya	021110-000200US	1742

20350   7590   05/29/2008
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ART UNIT	PAPER NUMBER
3696	

MAIL DATE	DELIVERY MODE
05/29/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 February 2008_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-5 and 7-13_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-5, 7-13_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

In the amendment filed on 02/07/08, the following have occurred: claims 5 and 7

have been amended and new claim 13 have been added.

Claim Rejections - 35 USC § 103

1   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

2.   Claims 1-5, 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Martinez (US PAT: 5,208,446) in view of Bloom (US PAT: 6974928).

Re claim 1. Martinez discloses the method of delivering at least one item or service

from a provider to a receiver the method comprising: receiving an order for at least one

item or service available from the provider (see fig.1, also see col.1 lines 35-65, see

col.2 lines 45-65); in response to the information regarding the order identifier being

provided to the financial processor, providing payment for the at least one item or

service from the financial processor to the provider (i.e., see col.3 lines 10-67), and in

response to payment being provided to the provider, delivering the at least one item or service to the receiver (see col.5 lines 30-40). Martinez does not expressly discloses providing an order identifier in response thereto, obtaining the order identifier from the receiver at substantially at the time of delivery, providing information regarding the order identifier obtained at the time of delivery to a financial processor. However, Bloom makes this disclosure (see the summary of the invention). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Martinez and Bloom to provide added security to the delivery of goods.

Re claim 2. Martinez does not explicitly disclose a method in accordance with claim 1 wherein the information regarding the order identifier is provided to the provider prior to providing the information regarding the order identifier to the financial processor. However, Bloom makes this disclosure (see the summary of the invention). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Martinez and Bloom to provide added security to the delivery of goods.

Re claim 3. Martinez does not explicitly disclose a method in accordance with claim 1 wherein the information regarding the order identifier is provided to the financial processor substantially immediately upon receipt at the time of delivery. However, Bloom makes this disclosure (see the summary of the invention). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Martinez and Bloom to provide added security to the delivery of goods.

Re claim 4. Martinez further discloses a method in accordance with claim 1 wherein the at least one piece of data is provided to the financial processor with other pieces of

data from other transactions (i.e., Data inputted by system 53 is stored in memory 52

as legal tender or programming information 57. When credit card information including

the card number, expiration date, cardholder name, etc. is entered into memory 52 by

sensor 54 and the user wishes to validate the credit card number, the user presses a

selected button on keyboard 53 or otherwise prompts controller 51 to generate and

transmit signals 59 to transmitter-receiver 50. Signals 59 include the credit card

information. Transmitter 50 transmits 60 the signals 59 to the cellular telephone

network of FIG. 4 or to another selected communications network. The cellular

telephone network of FIG. 4 receives and transmits signals 59 to a host computer 102

which validates the credit card information and other data associated with the credit

card, see col.3 lines 18-50)

Re claim 5. Claim 5, though a system claim, is a parallel of claim 1. That is to say, it

recites similar limitations to claim 1 and thus rejected using the same art and rationale

as in claim supra.

Re claim 7. Martinez further discloses a method for obtaining payment for an item or

service near the time of delivery, comprising: receiving a determination as to whether

payment for the item or service is at least one of approved and accepted (see col.3

line 40-col.4 line 45, also see col.5 lines 20-40); and approving delivery of the item or

service to the intended recipient when the received determination indicates that

payment for the item or service is at least one of approved and accepted (see the

abstract, also see col.5 lines 30-41). Martinez does not expressly disclose obtaining an

order identifier from the intended recipient of at least one of an item and a service at

substantially a time of delivery for the item or service, the order identifier being received

by the intended recipient in response to an order for the at least one of an item and a

service; providing information about the obtained order identifier to one of a financial

processor and a provider of the item or service. However, Bloom discloses obtaining an

order identifier from the intended recipient of at least one of an item and a service at

substantially a time of delivery for the item or service, the order identifier being received

by the intended recipient in response to an order for the at least one of an item and a

service; providing information about the obtained order identifier to one of a financial

processor and a provider of the item or service (see the summary of the invention).

Thus it would have been obvious to one of ordinary skill in the art to combine the

teachings of Martinez and Bloom to provide added security to the delivery of goods.

Re claim 8. Martinez further discloses a method according to claim 7, wherein:

obtaining an order identifier includes obtaining at least one piece of data selected from

the group consisting of a purchase order number, and a purchase order-type document

(i.e., Data inputted by system 53 is stored in memory 52 as legal tender or

programming information 57. When credit card information including the card number,

expiration date, cardholder name, etc. is entered into memory 52 by sensor 54 and the

user wishes to validate the credit card number, the user presses a selected button on

keyboard 53 or otherwise prompts controller 51 to generate and transmit signals 59 to

transmitter-receiver 50. Signals 59 include the credit card information. Transmitter 50

transmits 60 the signals 59 to the cellular telephone network of FIG. 4 or to another

selected communications network. The cellular telephone network of FIG. 4 receives

and transmits signals 59 to a host computer 102 which validates the credit card

information and other data associated with the credit card, see col.3 lines 18-50).

Re claim 9. Martinez further discloses a method according to claim 7, further

comprising: returning the item or service undelivered when the received determination

indicates that payment for the item or service is not at least one of approved and

accepted (see col.5 lines 30-40).

Re claim 10. Martinez further discloses a method according to claim 7, wherein:

providing the obtained identifying information to one of a financial processor and

a provider of the item or service includes transmitting the information about the

obtained order identifier to one of a financial processor and a provider of the item or

service at substantially the time of delivery (see abstract, also see col.3 lines 30-50).

Re claim 11. Martinez further discloses a method in accordance with claim 1 wherein

the order identifier is selected from the group consisting of a reference number, a

tracking number, an authorization number, a purchase order number, and a purchase

order-type document (i.e., Data inputted by system 53 is stored in memory 52 as legal

tender or programming information 57. When credit card information including the card

number, expiration date, cardholder name, etc. is entered into memory 52 by sensor 54

and the user wishes to validate the credit card number, the user presses a selected

button on keyboard 53 or otherwise prompts controller 51 to generate and transmit

signals 59 to transmitter-receiver 50. Signals 59 include the credit card information.

Transmitter 50 transmits 60 the signals 59 to the cellular telephone network of FIG. 4

or to another selected communications network. The cellular telephone network of

FIG. 4 receives and transmits signals 59 to a host computer 102 which validates the

credit card information and other data associated with the credit card, see col.3 lines

18-50).

Re claim 12. Claim 12, though a system claim, recites similar limitations to method

claim 11 supra and thus rejected using the art and rationale as in claim 11.

Re claim 13. Claim 13 recites similar limitations to method claim 1 supra and thus

rejected using the art and rationale as in claim 1.

Response to Arguments

3.   Applicant's arguments filed on 02/07/08 have been fully considered but

they are not persuasive. Applicant argues in substance that neither Martinez nor Bloom

allows a recipient to simply present an order identifier to a deliverer, which triggers

payment to the provider of the item and allows for delivery of the item, without having to

provide credit card information to the delivery person or transmit similar information to

the provider at the time of the order. First, the examiner contends that the applicant is

arguing a limitation that is neither recited in the body of all the claims nor disclosed

anywhere in the specification. Said another way, the recitation supra i.e., "allows a

recipient to simply present an order identifier to a deliverer, which triggers payment to

the provider of the item and allows for delivery of the item, **without having to provide**

credit card information to the delivery person or transmit similar information to

the provider at the time of the order," is not found anywhere in the claims. Especially

the part that says "**without having to provide credit card information to the delivery person or transmit similar information to the provider at the time of the order.**" Thus, it is not clear to the examiner why the applicant is arguing a limitation that is not even in the claim. The examiner further contends that presenting an order identifier to a deliverer, triggering payment to the provider of the item, and allowing for delivery of the item needs not be done without providing credit card information to the delivery person or transmit similar information to the provider at the time of the order. That is to say, payment to the provider can be triggered by presenting an order identifier as well as credit information to the deliverer. Martinez discloses a method and apparatus for delivering an order to a home and utilizing credit information to verify and accept payment for the order (see the abstract). Martinez device has a data entry interface and a transmitter and receiver (see fig.1 and fig.2 element 50) for transferring any form of data to and from the host computer (i.e., financial processor). Thus since order identifier is a form data, one of ordinary skill would have been motivated to transmit the order identifier issued to customer, as taught by Bloom, together with credit information taught by Martinez using the device of Martinez to provide added security to the delivery of goods.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to OJO O. OYEBISI whose telephone number is (571)272-

8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thomas Dixon can be reached on (571)272-6803. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

O.O

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
	09/910,462	MASKATIYA ET AL.	
	Examiner	**Art Unit**	
	OJO O. OYEBISI	3696	